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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Judy Carrillo,

10 Plaintiff,

11 v.

12 Chex Systems Incorporated,

13 Defendant.
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No. CV-24-00937-PHX-JZB

**REPORT AND
RECOMMENDATION**

15 TO THE HONORABLE STEPHEN M. MCNAMEE, SENIOR UNITED
16 STATES DISTRICT JUDGE:

17 This Report and Recommendation is filed pursuant to General Order 21-25.¹ This
18 matter is before the Court upon Plaintiff's failure to pay the filing fee by August 5, 2024,
19 pursuant to this Court's July 23, 2024, Order. (Doc. 9.)

20 ¹ General Order 21-25 states in relevant part:

21 When a United States Magistrate Judge to whom a civil
22 action has been assigned pursuant to Local Rule 3.7(a)(1)
23 considers dismissal to be appropriate but lacks the jurisdiction
24 to do so under 28 U.S.C. § 636(c)(1) due to incomplete status
of election by the parties to consent or not consent to the full
authority of the Magistrate Judge,

25 IT IS ORDERED that the Magistrate Judge will prepare a
26 Report and Recommendation for the Chief United States
District Judge or designee.

27 IT IS FURTHER ORDERED designating the following
28 District Court Judges to review and, if deemed suitable, to
sign the order of dismissal on my behalf: Phoenix/Prescott:
Senior United States District Judge Stephen M. McNamee[.]

1 On April 24, 2024, Plaintiff filed the Complaint in this matter against Chex
2 Systems, Inc. for Fair Credit Reporting Act violations. (Doc. 1.) Plaintiff also alleged her
3 constitutional rights had been violated. (*Id.*) Plaintiff seeks \$150 million in damages. (*Id.*)
4 Concurrent with her Complaint, Plaintiff filed an Application to Proceed in District Court
5 Without Prepaying Fees or Costs. (Doc. 2.)

6 On May 13, 2024, the Honorable G. Murray Snow issued a show cause order,
7 citing Plaintiff's failure to timely file her consent to magistrate judge jurisdiction form.
8 (Doc. 5.) On June 3, 2024, Plaintiff filed her consent to magistrate judge jurisdiction, and
9 the show-cause hearing was vacated. (Doc. 7, 8.)

10 On July 23, 2024, this Court, noting Plaintiff's well-documented pattern of
11 abusing the process for indigent litigants, denied Plaintiff's application to proceed
12 without paying a filing fee. (Doc. 9.) The Court ordered Plaintiff must pay the filing fee
13 in this matter on or before August 5, 2024. (*Id.*) To date, Plaintiff has not paid the filing
14 fee, and the Court will recommend dismissal.

15 Accordingly,

16 **IT IS RECOMMENDED** that this case be dismissed without prejudice.

17 This recommendation is not an order that is immediately appealable to the Ninth
18 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of
19 Appellate Procedure, should not be filed until entry of the district court's judgment. The
20 parties shall have 14 days from the date of service of a copy of this Report and
21 Recommendation within which to file specific written objections with the Court. *See* 28
22 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(b) and 72. Thereafter, the parties have 14 days
23 within which to file a response to the objections. Failure to timely file objections to the
24 Magistrate Judge's Report and Recommendation may result in the acceptance of the
25 Report and Recommendation by the district court without further review. *See United*
26 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure to timely file
27 objections to any factual determinations of the Magistrate Judge will be considered a
28 waiver of a party's right to appellate review of the findings of fact in an order of

1 judgment entered pursuant to the Magistrate Judge's Report and Recommendation. *See*
2 Fed. R. Civ. P. 72.

3 Dated this 16th day of August, 2024.

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6 Honorable John Z. Boyle
7 United States Magistrate Judge
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